

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOMER E. HAWKINS,

No. C 08-1087 SI (pr)

Petitioner,

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

v.

DEBORAH DEXTER, Warden,

Respondent.

Petitioner filed a notice of appeal, which the court construes to also be a request for a certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). That is, he has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: March 4, 2009


SUSAN ILLSTON
United States District Judge